

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID T. BREAKWELL, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No. 08-389
)	
v.)	Judge Fischer
)	Magistrate Judge Bissoon
ALLEGHENY COUNTY, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

On August 1, 2008, this case was referred to United States Magistrate Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On August 24, 2009, the magistrate judge issued a Report (Doc. 44) recommending that Plaintiffs' Motion for Summary Judgment (Doc. 25) be denied, and Defendants' Motion for Summary Judgment (Doc. 22) be granted.

Service of the Report and Recommendation was made on the parties, and Plaintiffs filed Objections on September 10, 2009. *See* Doc. 45.


For essentially the same reasons stated in the magistrate judge's Report, Plaintiffs' Objections are **OVERRULED**.¹ Thus, after a *de novo* review of the pleadings and documents in

¹ Nearly all of the arguments in Plaintiffs' Objections were rejected, either directly or by implication, in the magistrate judge's Report. The only matter warranting further comment is Plaintiffs' accurate statement that there are three, rather than two, individual Defendants. *See* Pls.' Objs. at 8 n.4 (objecting to magistrate judge's factual findings because only Defendants DeDominicis and Terlecki were referenced in Report). The magistrate judge's omission of the third individual Defendant, Alexis Samulski, is understandable, given the very limited allegations against her in the Amended Complaint. *See id.* (Doc. 19) at ¶¶ 5, 9, 92, 93 (claiming only that Ms. Samulski acted as counsel for CYF in dependency proceeding). In any event, the magistrate

the case, together with the Report and Recommendation and the Objections thereto,
the following Order is entered:

AND NOW, on this 30th day of September, 2009, IT IS HEREBY
ORDERED that Plaintiffs' Motion for Summary Judgment (**Doc. 25**) is **DENIED**,
and Defendants' Motion for Summary Judgment (**Doc. 22**) is **GRANTED**.

The Report and Recommendation dated August 24, 2009 is adopted as the opinion of the
District Court.


Nora Barry Fischer
United States District Judge

cc (via email):

All Counsel of Record

judge's substantive analyses regarding *Rooker-Feldman*, the absence of a constitutional violation,
and Defendants' entitlement to absolute immunity apply with equal force to Ms. Samulski,
and Plaintiffs' objection is without merit.